IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 11TH DECEMBER 2006 / 20TH AGRAHAYANA 1928

WP(C).No. 27819 of 2006(J)

PETITIONER:

SMT.L.SEETHAMA, (RETIRED SANSKRIT TEACHER) NEDUMBALLY HOUSE, SAHAKARANA ROAD, MARADU.

BY ADV. SRI.R.DIVAKARAN
SRI.BINOI GEORGE (CHERUKARA)

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY SECRETARY TO EDUCATION, EDUCATION DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DEPUTY DIRECTOR OF EDUCATION, EDUCATION DEPARTMENT, ERNAKULAM.

3. THE HEADMISTRESS, LAIHS SOUDHI, MOOLAMKUZHY, KOCHI.

BY GOVT. PLEADER (SHRI A. J. VARGHESE)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 27819 OF 2006 J

Dated this the 11th December , 2006

JUDGMENT

Case of the petitioner, in brief, is as follows:

Petitioner is a retired school teacher. It is an unaided institution run by second respondent. She retired on 31.3.2004. While she was in service, she had stood as surety to different loans and two Decrees were passed against her, and there is no Execution Petition against her, nor has the third respondent received any order of attachment. But, even then, third respondent has not issued NLC and withdraw the pensionary benefits due to petitioner. This Court directed a representation of petitioner be considered. But, Ext.P4 is issued by which it is stated that all retirement benefits except DCRG is released and DCRG can be released only on the strength of NLC from the office from which the petitioner retired. It is stated that there is a liability which has been identified and fixed by Court aggregating to more than the DCRG sanctioned and payable.

Petitioner has produced before this Court under a petition certain documents. In the Affidavit she would say that certain documents were produced at the time of hearing and they were not considered. According to petitioner, the matter has been settled. She relies on the documents to contend that recoveries against her have been withdrawn. I heard the learned Government Pleader also. In such circumstances, the Writ Petition is disposed of directing the second respondent to consider the matter in the light of the documents produced along with I.A. No.17246/06 and to take a fresh decision in accordance with law, within a period of one month from the date of receipt of a copy of this Judgment. Petitioner will produce a copy of I.A.No.17246/06 containing the documents also before second respondent, so that he can pass appropriate orders in accordance with law.

K. M. JOSEPH, JUDGE

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